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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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04/18/2001

Tetsuya Shimizu

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26272

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EXAMINER

VENT, JAMIE J

ART UNIT

PAPER NUMBER

2616

DATE MAILED: 02/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/836,838

Applicant(s)

SHIMIZU, TETSUYA

Examiner

Jamie Vent

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable by Choi et al (US 6,285,408) in view of Hayashi et al (US 6,825,948).

[claim 1]

In regard to Claims 1 and 8, Choi et al discloses an image processing apparatus and method comprising:

- A reception unit adapted to receive at least three encoded image data (Figure 5 tuners 101 and 102 receive plural image data information as further described in Column 4 Lines 6-12. Additionally encoded image data is received into the system through the DVD system 301 and the tape recording/reproducing 401 system as further seen in Figure 5);
- decoding unit adapted to decode one of said encoded image data to generate a main frame (Column 4 Lines 7-34 allows for main frame

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generation for decoding plural image data and as further seen in Figure 5 HD-video decoder 104 and SD-video decoder 204);

- an image signal generation unit adapted to generate an image signal including said main frame and said subframe (Figure 4 shows the outputting means for outputting a main frame and a sub frame); however, fails to disclose a sub frame generation unit adapted to generate a sub frames using a low frequency component extracted from each one of the other encoded image data.

Hayashi et al discloses a system wherein sub-frames are generated for viewing and reproducing purposes. As seen in Figure 3 a sub frame extracting unit is placed in the system which allows the sub frame generation to occur as further described in Column 4 Lines 33+. It is well known in the art to generate sub frames through using the lowest frequency component is extracted from the main frame. The sub frame generation allows for the system to be able to view multiple inputs (TV input, DVD input, or inputs from an image apparatus) through the use of viewing multiple subframes through the display device. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use an image processing system, as disclosed by Choi et al, and further incorporate a system wherein sub frame generation is used for extraction of the encoded image, as disclosed by Hayashi et al.

[claims 2 & 9]

In regard to Claims 2 and 9, Choi et al discloses an apparatus and method wherein the reception means receives said at least three encoded image data through a serial bus

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(Figure 4 shows the serial bus which receives the receptions of various image data. Additionally encoded image data is received into the system through the DVD system 301 and the tape recording/reproducing 401 system as further seen in Figure 5).

[claims 3 & 10]

In regard to Claims 3 and 10, Choi et al discloses an apparatus and method wherein said serial bus is based on the IEEE1394-1995 standard (Figure 4 further shows a serial bus based on IEEE 1394-1995 standard as further described in Column 2 Lines 30-44).

[claims 4 & 11)

In regard to Claims 4 and 11, Choi et al discloses an apparatus and method wherein said reception means is a digital interface based on the IEEE1394-1995 standard (Figure 4 shows the connection of the serial bus based on the IEEE 1394-1995 standard as further described in Column 2 Lines 30-44).

[claims 5 & 12]

In regard to Claims 5 and 12, Choi et al discloses an apparatus and method further comprising: switch unit adapted to switch the encoded image data corresponding the main frame and the encoded image data corresponding to one of said sub frames in response to an operation of a predetermined operation key. (Column 3 Lines 55+ describes the user selecting the display information either being main frame or sub-frame and thereby switching the image data on the display means).

[claims 6 & 13]

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In regard to Claims 6 and 13, Choi et al discloses an apparatus and method further comprising: recording unit adapted to record the encoded image data corresponding to main frame on a storage medium, in response to an operation of a predetermined operation key (Figure 5 element 401 shows the recording apparatus used to record information as further described in Column 7 Lines 33-45).

[claims 7 & 14]

In regard to Claims 7 and 14, Choi et al discloses an apparatus and method wherein said at least three encoded image data are based SD format of the DV standard (Column 2 Lines 3-12 describes the plural images that are based on the SD format).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamie Vent whose telephone number is 571-272-7384. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on 571-272-7418. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jamie Vent
02/17/06

MEHRDAD DASTOURI
SUPERVISORY PATENT EXAMINER
TC 2600

